

VINITA DAILY CHIEFTAIN.

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CHECK WITHDRAWN BY COURT ORDER

Gibson Construction Company Wins
Suit to Recover \$6,500 Declared
Forfeited By Board.

Guthrie, Okla., Dec. 28.—Under an order of district court of Logan county the state board of affairs must return to the Gibson Construction company the proceeds of a certified check for \$6,500, put up by that concern in bidding on the contract for the construction of the asylum buildings at Vinita. Judge Huston in a recent decision holds that while the contractors are presumed to know the law to the effect that the machinery of government must have time to operate before these building warrants can be paid, the contractors also should have a right to assume that the money would be forthcoming in a reasonable time.

The Gibson company was awarded a contract for the main building and the \$6,500 check represented the legal per cent deposit required. Later the company backed down from its contract, alleging it had discovered there was no money in the state building fund and none in sight. The court holds that the contracts should not have been advertised at the time they were advertised for the reason that the board should have known there would be delay in payment and that the contractors should not be called on to bear all the penalties of delay.

The main question was: Does the deposit by the plaintiff of the certified check for \$6,500 as liquidated damages in case of default. The court holds that under the circumstances the state has suffered no actual damage and can not hold the amount.

Another important decision has been made by Judge Huston in the case of the National Surety company against the state banking board, in which the company sought to recover the \$50,000 paid by it to protect the school land fund in the wrecked Columbia bank. The plaintiff is not entitled to recover, in the opinion of the court. The supreme court has held that the bank must first repay to the guaranty fund \$250,000 due depositors before the surety company can get anything. The payments to general depositors absorbed the 70 per cent of assets collected and the lower court holds that the school land fund repayment is not available from the guaranty fund.

The district court overruled the motion of the attorney general to amend the agreed statement of facts.

CONTRACT AWARDED FOR CONSTRUCTION TO VINITA

The Kansas City Times, in its Oklahoma notes, says:

"The report that construction work on the Cherryvale, Texas & Oklahoma railroad had been stopped, is unfounded, according to a letter from Paris, France, written by J. H. Brewster, one of the promoters. Brewster says that November 28 at a meeting of the directors in Paris a contract for an additional 105 miles was awarded to the Continental Construction company, making a total of 176 miles now to be constructed. It includes fifty miles from Caney, Kans., to Pawhuska, Okla., and sixty-five miles from Vinita, Okla., to Siloam Springs, Ark.

Madsen Temporary Marshal.
By Associated Press.

Guthrie, Okla., Dec. 28.—Federal Judge Cottler today appointed Chris Madsen, chief deputy United States marshal to serve as United States marshal until the successor to John Abernathy is appointed. Abernathy's resignation will be effective December 31.

Burns Issues Gotch's Challenge.

By Associated Press.

Omaha, Neb., Dec. 28.—"Farmer" Burns, through the Omaha Bee, issues a challenge, on behalf of Frank Gotch, for a match with any man in the world, George Hackenschmidt preferred, for a side bet of twenty thousand dollars, winner take all the wrestlers' shares of the gate money or for a purse.

PAROLE IS REVOKED FOR TOO HILARIOUS CELEBRATION

By Associated Press.

Jefferson City, Mo., Dec. 28.—Governor Hadley today revoked the parole of Clarence Beauchamp, of Kennett, Mo., on the recommendation of persons who said Beauchamp celebrated his release too hilariously. Beauchamp was paroled last Thursday and was immediately married, in the penitentiary to Mrs. Ruth Ritch. He will now have to serve the remaining two years of his sentence.

MANY ATTEND PUBLIC MASONIC INSTALLATION

Nearly two hundred people attended the public installation of officers of the Masonic lodge last evening and enjoyed a very pleasant evening, refreshments being served by the ladies of the Star after the installation ceremonies were over.

Cecil Long was installed as worshipful master; Jephtha S. Smith as senior warden; George P. Fogle, junior warden; August Schlecker, secretary; H. R. Warner, treasurer; H. J. Swartz, senior deacon, and J. I. Morning, junior deacon.

Judge Joseph A. Gill acted as master of ceremonies after the installation. Capt. F. J. Barrett delivered an address to the Masons and the ladies of the Star. After the refreshments, speeches were made by Rev. J. E. Pershing, J. F. Murphy, Cecil Long and others.

The company broke up and went home about midnight.

GOVERNORS ASKS PAYMENT OF \$70,000 IN BILLS

Oklahoma City, Okla., Dec. 28.—Governor Haskell made a demand today of the committee that has in charge the plans for selling lots on the capital site that the committee pay a \$30,000 architect's fee, a \$14,000 attorney's fee, contracted on account of the capital fight; \$18,000 as interest on a \$70,000 appropriation to be asked for the erection of an addition to a school building that is to be occupied here as a temporary statehouse and \$9,000 which I. P. Putnam spent in the capital fight, making a total of \$70,000. C. G. Jones, chairman of the committee, declares that the amount will not be paid. The committee is considering the governor's proposition. On its acceptance may depend the governor's action with reference to the capital bill.

AVIATOR AND PASSENGER KILLED BY THE FALL

By Associated Press.

Issy Les Moulineaux, France, Dec. 28.—Laffort, the aviator and M. Pola, a passenger, were instantly killed when the former's machine fell from a height of fifty feet today. Laffort was preparing to start for Brussels, in competition for the aviator cup offered as a prize for flight with a passenger from Paris to Brussels, and return. A big crowd saw the accident.

IMMIGRATION LAWS NEED AMENDMENT SAYS NAGEL

In Annual Report of Secretary of Labor and Commerce is Devoted to Discussion of Hardships Imposed by Present Laws—More Strict Regulation of Steamer Companies is Urged—Deals Briefly With White Slave Traffic

By Associated Press.

Washington, D. C., Dec. 28.—Secretary Nagel's annual report, sent to the president Tuesday, contains many important recommendations for changes and improvements in the various bureaus and branches of the department of commerce and labor.

Great popular interest attaches to the immigration and naturalization of aliens, and much of the secretary's report is devoted to that subject.

One of the hardships of the present immigration laws, Secretary Nagel believes, is the separation of families. In many instances a father is admitted and his wife and children are barred out after the pioneer has made a home. The secretary believes that a more equitable system could be found, and says he assumes it is the purpose of the law to keep families together and not to separate them. The secretary suggests that some system by which inquiry should be made about the families immigrants before fathers and sons are admitted, should be put into practice.

Unless immigration can be diverted from Ellis Island or reduced, there is need for additions to the facilities there. At no port is there any adequate provision for handling immigrants, declares the secretary, although at most places sites have already been bought by the government for buildings to be used for these purposes.

Stricter regulation of steamship companies in the immigrant traffic is urged in the report and a system of fines for companies which bring insane immigrants or those afflicted with contagious diseases is proposed. The secretary declares that the immigration officials even find it unwise to allow alien employees of steamships to land on American soil without applying the usual examination to them.

While the fiscal year 1910 brought a total of 1,198,037 immigrants to the United States, the prediction is made that the coming year will approach the banner year 1907 when more than 1,285,000 aliens came in. Of all those who came this year more than 274,000 admitted they had been assisted by friends. All the immigrants brought a total of \$28,197,745 with them, a per capita of about \$27. The bulk of the immigration continues to be drawn from southern and eastern Europe. Two per cent of all who applied for admission were turned back. They numbered 24,270 in all as against 10,411 in 1909. Though no increase in attempts to import contract labor is apparent, 1,700 aliens were deported as such during the year. Stricter legislation to govern that class of immigration is recommended.

Secretary Nagel refers briefly to violations of the white slave law and declares that immigration officials are able to cope with only a fraction of the violations. If the traffic is to be stamped out, he says, the state and municipalities must take a more active interest.

Promotion of employees by merit and not entirely by scholastic examination is treated at length by Secretary Nagel who believes scholastic examination may be proper when an applicant enters the government service. The conditions within the service, however, he thinks, call for an entirely different test for promotion.

"Employees work under the direction and observation of chiefs of bureaus and divisions and their capacity, efficiency and resourcefulness are judged by them," says the secretary. "In the final analysis their rights to advancement should be wholly determined by the opinions of these supervising officials, provided such opinions are well informed, judicious and conscientiously reached."

Secretary Nagel puts himself on record in favor of some sort of superannuation or retirement for clerks. He believes compulsory retirement for

age or disability would be an economical measure for the government and expresses the opinion that if salaries of clerks are to remain as they are, the government can afford to provide a straight pension without contribution from employees.

The work of the bureau of corporations has been highly important during the year, and probably this month a comprehensive report on its investigation of the lumber industry will be completed. The bureau now has under way investigations of the International Harvester company, the steel and tobacco industries, concentration of water power ownership, and corporate taxation.

Secretary Nagel believes the value of corporation publicity has been proved.

"There should be," he says, "an active and permanent system of publicity under the federal government, by which all important industrial corporations engaged in interstate commerce shall report to one federal agency the essential facts of their business. Federal action of this sort is necessary because no state system can comprehensively cover the subject. Thus, with a central agency of business information in continuous operation, the country would have reliable information on the management of our commercial forces, public opinion would be afforded a basis of intelligent action, unjust prejudice would be removed, and business interests would have a source of information on corporate facts covering the entire country. There would be a permanent and recognized point of contact between the government and the managers of corporations. The relations of corporate action to public interest could be considered, co-operation could be increased, and uniformity or corporate accounting could be secured."

In reviewing the work of the bureau of fisheries, Secretary Nagel proposed a protected zone for all fur bearing animals and would have it located on the Aleutian Islands. Fox and other fur bearing animals have been generally slaughtered there, the bureau of fisheries has found, and many of the animals have been poisoned by aliens who wanted their skins. The secretary recommends that some part of the islands be made a reservation and that a wireless station be installed at Dutch Harbor, or Unalaska and also on the Pribilof Islands. Revenue cutters would be able to operate to greater advantage against pelagic sealers if they had wireless equipment, he secretary says.

Other portions of the report review at length the year's work in the bureau of the census, bureau of labor, bureau of manufacturers, bureau of statistics, bureau of standards, light house service and coast and geodetic survey.

Secretary Nagel recommends laws which will permit a closer inspection of steamships and a stricter regulation of their operation, which would be conducive to the greater safety of passengers.

WILLING TO LEAVE IT TO COURT OF PUBLIC OPINION

By Associated Press.

Newark, N. J., Dec. 28.—In a statement in the Newark Times, this afternoon, Governor-elect Woodrow Wilson not only reaffirms his assertion of an emissary from James Smith, Jr., informed him before the election that Smith would not be a candidate for the senate, but declares Smith personally had corroborated such a statement. "I am willing," says Wilson, "to go with Mr. Smith before the court of public opinion on the charges of attempted trickery and deceit."

A Truly Great Singer.

Fred Ratcliff, of this city had the pleasure of hearing Madame LaHoma, the noted Indian singer, who will give a concert at the Auditorium tonight, in concert with Schuman-Heinke, and says she is a truly great singer and Vinita music lovers will not regret having seen and heard her. Mrs. R. L. Blakeney of Muskogee, who spent the holidays here, says that all Muskogee was elated with the performance of Madame LaHoma at that place.

MUST RAISE \$70,000 BY TOMORROW SAYS HASKELL

By Associated Press.

Oklahoma City, Dec. 28.—Governor Haskell today gave the citizens twenty four hours in which to raise the seventy thousand dollars additional bonus, before he will sign the capitol bill, the funds to be used in connection with the capitol removal expense, \$30,000 was subscribed in an hour and the balance is in sight.

GIGANTIC BANK IN NEW YORK CLOSES ITS DOORS

New York, Dec. 28.—The Northern Bank of New York, with deposits in nine branches of \$6,912,582 at the time of its last published statement, was closed Tuesday by O. H. Cheney, state superintendent of banks, "for the benefit of depositors," because of "certain conditions" and "also certain irregular transactions."

An inventory of the bank's assets and liabilities is now under way, but until it is completed no further statement from Cheney will be available. W. H. Hotchkiss, state superintendent of insurance, and District Attorney Whitman, co-operating with him, hope to present the facts to a grand jury today.

Joseph H. Robin, chairman of the executive committee of the bank, shareholder and director in many other corporations, is in a private sanitarium at Central Valley, N. Y., to which he was committed last Saturday by Justice Amend of the state supreme court, at the request of his sister, on certificates of two physicians.

James H. Gifford, of the counsel for the bank and one of its directors, announced last night that the examining physicians had diagnosed the case as acute paranoia. Robin tried to kill himself in his apartments last Saturday night, but was restrained by the nurse, according to Gifford.

STATE RETAILERS TO FIGHT AGAINST "BAD CHECK" MEN

Guthrie, Okla., Dec. 28.—During the past year \$43,276 was lost to the members of the State Retailers Association of Oklahoma through the cashing of bad checks, according to the annual report of the association just issued. The number of local associations was increased during the year from 29 to 310 and the membership from 950 to 6,100. During the year members filed with the associations to have collected bills aggregating \$1,568,910, of which 21.5 per cent was collected and saved to the merchant. Also in ferreting out and exposing fake advertising schemes the association actually saved to members the sum of \$616,500. This makes a total of nearly a million dollars saved to members during the year, an average of 165.45 to the member, while the cost of maintaining the associations, state and local, averaged but \$15.00 a member. Members of the legislature are pledged to enact a law at the near regular session protecting the retailers from bad check men. The next annual convention of retailers will be held in Wagoner, January 17-19.

COURT ROOM OVERFLOWS WITH MEN TO CONFESS

By Associated Press.

West Union, Okla., Dec. 28.—"The bought and sold" voters of Adams county are in a panic. The crush is so great that Judge Blair cannot find time to hear the long confessions today, of a hundred men, who had not been indicted, and whose names had not been mentioned in connection with buying and selling votes, at the last

SMALL AUDIENCE SEES GREAT PLAY

"Three Weeks," with Marcella Hamilton in the role of the unfortunate Queen of Sardinia, gave the best show of the season at the Auditorium last evening, and had the smallest house. The weather during the day probably had some influence on the size of the crowd. Then there were competing attractions in town. The Masonic installation must have commanded the attendance of many of our most intelligent and appreciative theatergoers.

More powerful than either of these circumstances in keeping people away was the reputation which the critics had given to Elinor Glyn's book. Many who would have liked to go, didn't quite have the nerve. They were afraid the play was loaded.

Their fears were groundless. The play does deal with subjects which are considered taboo in good society. The horror of loveless marriage, the needs of a woman's soul, the right of a child to be born of love—these are its themes; but it deals with them in language as clean as a maiden's thought, and the tense emotionalism of the leading part and the final tragedy purged the mind of any consciousness of the unconventionality of the action which had been portrayed, and left the final impression of a purity as of a consuming flame.

As raw material for effective and popular dramatic presentation "Three Weeks" is open to criticism. It lacks the snap and go of successful melodrama. Compared with a play like "Gaustrark," there was nothing doing a good deal of the time.

The fact is, Elinor Glyn attempted in "Three Weeks" a dramatic form for which there is not much demand just now. The play was written as a tragedy; conceived as tragedy grim and remorseless as "Hamlet," set in the flaming light of a passion such as not even Shakespeare could draw, because he had never measured the passionate depth and barbaric intensity of the Slavic nature.

Besides "Three Weeks" is a tragedy of the soul, and if there are two things in the world in which it is difficult to interest the average modern man or woman, those two are tragedy and the soul.

Nevertheless the play was a splendid success, because of the superb acting of Miss Hamilton. It is doubtful if Vinita has ever seen a finer emotional actress. There were times, as in the second act, when the absence of anything like external action for considerable periods of time brought the whole weight of the play on her part; and she was Johnny on the spot with the goods. The audience was inappreciative at first, but the parting and the death scenes captured the people in spite of themselves. The support was good, but after all, "Three Weeks" is essentially a one-part play. If it should come here again with Miss Hamilton as the queen, it would probably play to a full house.

MORE ARRESTS TO FOLLOW RAID ON COUNTERFEITERS

By Associated Press.

New York, Dec. 28.—More arrests are expected in connection with a raid last night, on the counterfeiting den in the rear of the tenement house in Brooklyn, where a huge pile of spurious quarters were found in the middle of the floor. In an adjoining room a man was pouring metal into molds. Three hundred pounds of metal and spurious coins estimated to amount to six thousand dollars were found and three men arrested. For four months the secret service men have been looking for the counterfeiters, who have been passing spurious small coins on the street cars and elevated trains.

This town came near having another

big fire Monday night. The janitor at the Knights of Pythias hall lighted the gas early in the evening and went away. When some of the members came later the stove was red hot and being open the flames were playing almost against the wall which was ready to burst into flame. In a very few moments the building would have been on fire.

election, and who flocked to the court room and insisted on a confession that they had sold their franchises. Nearly a thousand indictments are now in the list.

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